

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

BRIDGESTONE SPORTS CO., LTD, and	)	
BRIDGESTONE GOLF, INC.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
ACUSHNET COMPANY,	)	C. A. No. 05-132 (JJF)
	)	
Defendant.	)	
	)	
<hr style="width: 50%; margin-left: 0;"/>		
ACUSHNET COMPANY,	)	
	)	
Counterclaim Plaintiff,	)	
	)	
v.	)	
	)	
BRIDGESTONE SPORTS CO., LTD, and	)	
BRIDGESTONE GOLF, INC.,	)	
	)	
Counterclaim Defendant.	)	

**DECLARATION OF DAVID E. MOORE IN SUPPORT OF  
ACUSHNET'S MOTION TO BIFURCATE LIABILITY  
FROM DAMAGES AND WILLFULNESS**

I, David E. Moore, declare as follows:

1. I am an attorney employed by the law firm of Potter Anderson and Corroon LLP, counsel of record for Acushnet Company. I make this declaration of my own personal knowledge and would testify to the matters set forth below if called upon to do so.
  
2. Attached to this document are various excerpts of litigation documents and exhibits. The complaints, answers, and responses to interrogatories and other documents relevant to this motion are voluminous. I believe that in most instances only selected excerpts of the documents are relevant to this motion, and that because the full documents have already been exchanged, there is no good cause to attach them in their

entireties for purposes of this motion. It is my intent, however, as Acushnet's attorney, to offer into evidence the entire documents of which excerpts are attached to this declaration or declaration of other witnesses. Acushnet will submit the entire document to the Court, if requested by the Court or Bridgestone, at or before the hearing of this motion.

3. Attached hereto as Exhibit 1 are true and correct copies of relevant pages from the Memorandum Order issued on February 10, 2003 in the matter *St. Clair Intellectual Prop. Consultants, Inc. v. Sony Corp.*, C. A. No. 01-557 (D.Del.).

4. Attached hereto as Exhibit 2 are true and correct copies of relevant pages from the Transcript of Oral Argument held on November 22, 2004 in the matter *Fenster Family Patent Holdings, Inc. v. Siemens Med. Solutions, Inc.*, C. A. No. 04-0038 (D.Del.).

5. Attached hereto as Exhibit 3 are true and correct copies of relevant pages from the Order issued December 9, 2004 in the matter *Fenster Family Patent Holdings, Inc. v. Siemens Med. Solutions, Inc.*, C. A. No. 04-0038 (D.Del.).

6. Attached hereto as Exhibit 4 are true and correct copies of relevant pages from Acushnet's Answer and Counterclaim, dated April 28, 2005 (D.I. 7).

7. Attached hereto as Exhibit 5 are true and correct copies of relevant pages from Acushnet's Objections and Responses to Bridgestone's First Set of Interrogatories, dated July 7, 2005 (D.I. 19).

8. Attached hereto as Exhibit 6 are true and correct copies of relevant pages from the Transcript of Oral Argument held in this matter on October 5, 2005.

9. Attached hereto as Exhibit 7 are true and correct copies of relevant pages from Bridgestone's First Set of Requests for Production Documents and Things (Requests Nos. 1-100), dated June 7, 2005 (D.I. 13).

10. Attached hereto as Exhibit 8 is *Pfizer Inc., v. Ranbaxy Labs. Ltd.*, 2004 WL 1376586 (D.Del. 2004).
11. Attached hereto as Exhibit 9 is *St. Clair Intellectual Prop. Consultants, Inc. v. Sony Corp.*, C. A. No. 01-557, 2002 WL 1901268 (D.Del. Aug. 16, 2002).
12. Attached hereto as Exhibit 10 is *Fenster Family Patent Holdings, Inc. v. Elscint, Ltd.*, C. A. No. 04-0038 (D.Del. Sept. 20, 2005).

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this Declaration was executed this 2<sup>nd</sup> day of December, 2005 in Wilmington, Delaware.

/s/ David E. Moore  
David E. Moore

709787

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**CERTIFICATE OF SERVICE**

I, David E. Moore, hereby certify that on December 2, 2005, the attached document was hand delivered to the following persons and was electronically filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following and the document is available for viewing and downloading from CM/ECF.

Jack B. Blumenfeld  
Maryellen Noreika  
Leslie A. Polizoti  
Morris, Nichols, Arsht & Tunnell  
1201 N. Market Street  
Wilmington, DE 19801

I hereby certify that on December 2, 2005, I have Federal Expressed the documents to the following non-registered participants:

Robert M. Masters  
John T. Callahan  
Raja Saliba  
Sughrue Mion, PLLC  
2100 Pennsylvania Avenue, NW  
Washington, DC 20037

/s/ David E. Moore

Richard L. Horwitz

David E. Moore

Potter Anderson & Corroon LLP

Hercules Plaza – Sixth Floor

1313 North Market Street

P.O. Box 951

Wilmington, DE 19899-0951

(302) 984-6000

[rhorwitz@potteranderson.com](mailto:rhorwitz@potteranderson.com)

[dmoore@potteranderson.com](mailto:dmoore@potteranderson.com)